

Appl. No. 09/706,937  
Amdt. dated April 15, 2009  
Reply to the office action of December 23, 2008

### REMARKS

This is in response to the office action mailed on December 23, 2008. The Office Action rejected Claim 14 under 35 USC 112, second paragraph and Claim 1 under 35 USC 101. Claims 1-6 and 10-15 were rejected as being obvious in view of the combination of U.S. Pat. No. 7,266,560 ("Lampert") and U.S. Pat. No. 4,873,513 ("Soultz"). Claims 8 and 9 were rejected as obvious in view of Lampert, Soultz and U.S. Pat. No. 6,308,177 ("Israni").

Applicants have amended Claims 1, 2 and 14; no new matter has been added. Applicants respectfully request reconsideration of the pending claims in view of the following remarks. Applicants submit that all of the pending claims in the present application are allowable, as explained below.

#### Claim Rejections – 35 USC 112

Claim 14 was rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Office Action indicated that the limitations "wherein the k-d tree indexing structure is used to index parcels of geographic data, wherein said parcels are collections of said geographic data that represent geographic features encompassed within a bounded area, ... wherein said third dimension includes rank information that has at least two levels, wherein a first level of rank is associated with a first set of parcels comprising collections of the most important geographic features and a second level of rank is associated with a second set of parcels comprising collections of the geographic features of lesser importance" were not clear.

For the limitations "wherein the k-d tree indexing structure is used to index parcels of geographic data, wherein said parcels are collections of said geographic data that represent geographic features encompassed within a bounded area," clear support for these element may be found at page 1, lines 25-26 that are reproduced as follows. *As an example, a k-d-tree can be used as an index to collections (i.e., parcels) of data that represent geographic features located within separate rectangular areas.*

Applicants have amended the other limitations to recite "wherein said third dimension includes rank information that has at least two levels, wherein a first level of rank is associated with the most important geographic features and a second level of rank is associated with the geographic features of lesser importance." Clear support for this claim element may be found at

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page 15, lines 25-30 that are reproduced as follows. *Embodiments of the disclosed multi-dimensional index includes a third dimension that facilitates indexing navigable entities by minimum and maximum rank, allowing a single navigable data set to distinguish among several rank-dependent representations of each navigable entity.*

Applicants respectfully point out that the claim limitations of Claim 14 particularly point out and distinctly claim the subject matter of the invention. Accordingly, this rejection of Claim 14 should be withdrawn.

#### Claim Rejections – 35 USC 101

Claim 1 was rejected as not being directed to statutory subject matter. Applicants have amended Claim 1 to include particular apparatus elements. Claim 1 recites that the geographic database is stored on a computer readable storage medium. Accordingly, this rejection of Claim 1 should be withdrawn.

#### Claim Rejections – 35 USC 103

Applicants respectfully request the Examiner to withdraw the rejections for Claims 1-6 and 8-15 because the Lampert patent is not available as prior art to the present patent application for the purposes of 35 U.S.C. §103. According to 35 U.S.C. §103(c)(1), subject matter which is prior art under 35 U.S.C. §102(e) is now disqualified as prior art against a claimed invention if that subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. (*See*, MPEP 706.02(l)(1)).

Applicants point out that the Lampert patent and the present application, at the time of the invention of the present application was made, were commonly owned. Therefore, the Lampert patent is not available as prior art against the claims of the present application. Accordingly, Applicants request that the rejections of Claims 1-6 and 8-15 be withdrawn.

#### Petition for extension of time

Included with this response is a request for an extension of time to reply to the Office Action dated December 23, 2008. Included with this response is an authorization for payment of the fee associated with this request.

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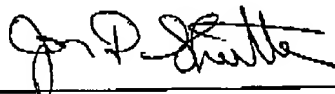
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**Conclusion**

All the issues in the office action, dated December 23, 2008 have been addressed. Favorable consideration of the present application is requested. If any issues remain, the Examiner is invited to call the undersigned.

Respectfully submitted,



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